

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

District of New Mexico

United States of America
v.
Elliott Peralta (YOB 1988)
Delilah Fernandez (YOB 1992)

Case No. MJ 22-1723 JHR

FILED
United States District Court
Albuquerque, New Mexico
Mitchell R. Elfers
Clerk of Court

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of November 4, 2022 in the county of Bernalillo in the
District of New Mexico, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. §§ 922(g)(1) and 924;
18 U.S.C. § 924(c)(1)(A)(i);
21 U.S.C. §§ 841(a)(1) and (b)(1)
(B);
21 U.S.C. §§ 841(a)(1) and (b)(1)
(A);
21 U.S.C. § 846

Possession of a Firearm and Ammunition by a Convicted Felon;
Possessing of a Firearm in Furtherance of a Drug Trafficking Crime;
PWID 40 Grams and More of Mixture and Substance Containing Fentanyl
(N-Phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide);
PWID 500 Grams and More of a Mixture and Substance Containing
Methamphetamine;
Conspiracy to PWID

This criminal complaint is based on these facts:

See attached affidavit.

☒ Continued on the attached sheet.


Complainant's signature

Jordan Spaeth, FBI Special Agent

Printed name and title

Sworn telephonically and signed electronically

Date: November 7, 2022City and state: Albuquerque NM


Judge's signature

Jerry H. Ritter, US Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF ARREST WARRANT AND CRIMINAL COMPLAINT

I, Jordan Spaeth, being first duly sworn, hereby depose and state as follows:

Introduction and Background of the Affiant

1. I am a Special Agent with the FBI and have been a sworn law enforcement officer for approximately 14 years, serving as a police officer and FBI Special Agent. I have been with the FBI since 2018 and am currently assigned to the Albuquerque division of the FBI, to the Violent Gang Task Force (“VGTF”). As a member of the VGTF my primary responsibility is to investigate criminal enterprises involving violent repeat offenders and gang members who participate in narcotics violations, firearms violations, human trafficking, robberies, and other violations of federal law. Prior to my current assignment I was assigned to the Violent Crime Task Force and also worked violent felony crimes which were committed on the multiple Indian Reservations/Pueblos surrounding Albuquerque, New Mexico.

2. My investigative training and experience includes, but is not limited to, interviewing subjects, targets, and witnesses, writing affidavits for, and executing search and arrest warrants, collecting evidence, conducting surveillance, and analyzing public records. Over the course of my career, I have arrested hundreds of persons for offenses relating to armed robberies, firearm violations, bank robberies, illegal narcotics, and other criminal conduct. I have also been responsible for serving subpoenas and supervising cooperating sources, as well as analyzing phone records.

3. I make this affidavit in support of the arrest of ELLIOTT PERALTA, a.k.a. “CASH,” (“PERALTA”) and DELILAH FERNANDEZ (“FERNANDEZ”) for violations of:

- a. 18 U.S.C. §§ 922(g)(1) and 924: Possession of a Firearm and Ammunition by a Convicted Felon;
- b. 18 U.S.C. § 924(c)(1)(A)(i): Possessing of a Firearm in Furtherance of a Drug Trafficking Crime;
- c. 21 U.S.C. §§ 841(a)(1) and (b)(1)(B): PWID 40 Grams and More of Mixture and Substance Containing Fentanyl (N-Phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide);
- d. 21 U.S.C. §§ 841(a)(1) and (b)(1)(A): PWID 500 Grams and More of a Mixture and

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Substance Containing Meth;

e. 21 U.S.C. § 846: Conspiracy to PWID (hereinafter the “target offenses”).

4. The statements contained in this affidavit are based upon my investigation, training and experience, and information provided by other law enforcement officers or from other reliable sources. Because this affidavit is being submitted for the limited purpose of securing a criminal complaint, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts which I believe are necessary to establish probable cause to support a criminal complaint against PERALTA and FERNANDEZ.

Criminal History

5. I have reviewed FERNANDEZ’s criminal history. I am aware she has been arrested 14 times in New Mexico. Further, I am aware that FERNANDEZ was arrested by the FBI in October 2020 and charged with possession of a firearm and ammunition by a convicted felon. At the time the FBI executed the below search warrant, FERNANDEZ was a wanted felon on a probation violation warrant stemming from the pending federal felon in possession of a firearm and ammunition charge, case number 1084 1:20CR02067-JCH-1. I am aware that FERNANDEZ was convicted of the following felony offenses:

- a. Theft of identity, conspiracy to commit theft of identity, and conspiracy to commit fraudulent signing of credit cards or sales slips, convicted on January 4, 2019, in case number D-202-CR-2017-03165

6. I have reviewed PERALTAS’s criminal history, I am aware that he has been arrested 14 times in New Mexico and has been convicted of the following felony offenses:

- a. Possession of a controlled substance to wit – Heroin, by guilty plea on July 29, 2011, in case number D-202-CR-2010-0450927,
- b. Burglary (Dwelling House), by guilty plea on July 29, 2011, in case number D-202-CR-2011-01727,
- c. Possession of a controlled substance (felony – narcotic drug) and possession of a firearm or destructive device by a felon, by guilty plea on October 16, 2015, in case number D-

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1314-CR-2014-00209.

Probable Cause

7. At approximately 06:40 am on November 4, 2022, agents and task force officers (collectively "agents") executed a search warrant at the residence of Elliott PERALTA, a.k.a. "Cash," at 537 Sky Tower Street Southwest, Albuquerque, New Mexico 87121. The search warrant was issued by the Honorable Jerry H. Ritter on November 2, 2022, case number 22 MR 1612

8. Agents arrived at the residence, activated their emergency lights, knocked and announced at the front door. A dog was heard barking and after about 15 seconds a voice was heard inside. After approximately 30 seconds, cooperating witness (CW) opened the door and complied with officers. CW's identity is known to me however I left identifying information out of this affidavit for their safety.

9. CW advised that PERALTA was still inside the residence with his girlfriend, later identified as Delilah FERNANDEZ. CW knew they were in the kitchen and sometime before agents arrived, PERALTA was hitting the bag in the garage. PERALTA was known to sleep on the second floor on the right side of the residence. Agents continued to announce their presence with no response, agents noticed that the back slider was partially open. The back door was opened all the way and agents announced their presence from the front and back door for several minutes in total. Agents cleared the residence and did not locate anyone.

10. CW then advised agents that PERALTA had a hidden room, a fake bookshelf was the door. Agents located the fake bookshelf, which may be more accurately described as built-in shelving on the wall. The false shelving/door had trim around it and lots of perfume/cologne on the shelves. The secret room was in the closet off PERALTA's bedroom, agents made multiple verbal commands for anyone inside to exit. Agents subsequently opened the door and located FERNANDEZ hiding inside the secret room, she was taken into custody.

11. FERNANDEZ was questioned about the secret room and the location of PERALTA since he had not been located. FERNANDEZ advised they (PERALTA and FERNANDEZ) were in the kitchen;

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PERALTA went to the laundry room and then agents knocked on the door. They had talked about hiding in the secret room if law enforcement arrived, so she went to the room thinking PERALTA would be behind her. However, she realized that PERALTA and she had gone separate ways and she did not know where he went. She got to the room and locked herself inside.

12. Pursuant to the search warrant, agents searched the residence and located two firearms, approximately 1,099 grams of methamphetamine and 105 grams of blue "M 30" pills containing fentanyl.

13. Of note the following items were also located and photographed: a drug ledger in a kitchen drawer with "King \$" drawn on the front and inside along with "Cash," "Mr. Cash," and *Los Padillas Gang* written inside. Drug packaging material, drug paraphernalia, money counter machines, along with several posters with *Los Padillas* references and "Cash" written on them were located in the residence. Also, one of the firearms was located in a hidden compartment in the garage, agents also found a Campbell's soup can with a hidden compartment in it.

14. While searching, agents located a cell phone in a pink case which had incoming text messages which were consistent with drug trafficking. FERNANDEZ later provided the passcode to unlock the cell phone. FERNANDEZ advised agents that the purse (which also contained M 30 pills) was hers.

15. The following items were seized during the search:

Description	Location
Plastic bag containing crystalline substance suspected methamphetamine	Kitchen countertop
Blue pills "M 30" in a plastic bag suspected fentanyl	Kitchen countertop
Springfield Armory pistol S/N 53145041 with loaded magazine containing ammunition	Kitchen countertop
Plastic bag containing blue pills "M 30" suspected fentanyl	Kitchen countertop
Plastic bag containing blue tabs suspected xanax tabs	Kitchen countertop
3x plastic bags containing crystalline substance suspected methamphetamine.	Kitchen countertop
Plastic bag containing blue pills "M 30" suspected fentanyl	Purse on counter inside Kitchen

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Black iPhone without case	Purse on counter inside Kitchen
Tactical helmet	Downstairs closet
Tactical vest with soft ballistic armor	Downstairs closet
Phone with pink phone case	TV room end table
Glock 43 S/N ZHP611 with loaded magazine (no round chambered)	Garage inside hidden wall compartment.
Loose blue pills "M 30" suspected fentanyl	Cadillac XTS LIC# UNM 43537
Loose crystalline substance suspected meth	Cadillac XTS LIC# UNM 43537

16. The methamphetamine field tested positive and the blue "M 30" pills are consistent with other pills which have been tested to contain fentanyl (agents are very familiar with the blue "M 30" pills containing fentanyl because more than 1 million of the blue pills have been seized by specific agents which were assigned to this search). The Cadillac XTS, bearing NM tag UNM43537, was registered to PERALTA.

17. FERNANDEZ was arrested on an outstanding probation violation warrant regarding a 2020 FBI investigation wherein she was charged with felon in possession of a firearm and ammunition. FERNANDEZ was transported to the United States Courthouse on the pending warrant.

Interstate Nexus

18. On November 4, 2022, SA Spaeth examined the firearms and ammunition listed above. The firearms functioned as designed and the firearms and ammunition meet the federal definition of a firearm and ammunition pursuant to 18 U.S.C. § 921 Chapter 44. Based on my training, research, and experience I am aware that Glock and Springfield Armory firearms are not manufactured in the state of New Mexico and therefore traveled in interstate commerce before they were possessed by PERALTA and FERNANDEZ.

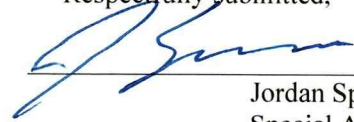
Conclusion

19. Based on the above information, I believe there is probable cause that FERNANDEZ and PERALTA violated the target offenses. This affidavit has been reviewed and approved by Assistant United

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States Attorney Paul Mysliwec. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Respectfully submitted,



Jordan Spaeth
Special Agent
Federal Bureau of Investigation

Sworn telephonically and signed electronically on November 7, 2022:



HONORABLE JERRY H. RITTER
UNITED STATES MAGISTRATE JUDGE
ALBUQUERQUE, NEW MEXICO